IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No.276 of 2006 (S/B)

Lt. Col. (Retd.) Anil Wadhwa
S/o Late Sri B. D. Wadhwa,
R/o 77 Society Area, Lane no. 2
Post Office Road, Clement Town,
Dehradun, District Dehradun ..... Petitioner

Versus

1. State of Uttaranchal through Secretary,
   Social (Sainik) Welfare Uttaranchal,
   Government of Uttaranchal, Dehradun.
2. Director, Sainik Welfare and Rehabilitation Uttaranchal
   Dehradun, Chandel Bhawan,
   Anjali Vihar Ajabpur Kalan, Dehradun.
3. Lt. Commandant (Retd.) Kamal Singh Chauhan,
   District Sainik Welfare and Rehabilitation Officer,
   Rudraprayag. ..... Respondents

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Mr. M.C.,Pant, Advocate for the petitioner.
Mr. N.B.Tiwari, Addl. A.G./C.S.C. for respondents 1 and 2.
None for respondent no. 3.

JUDGMENT

Coram: Hon'ble Rajeev Gupta, C.J.
Hon'ble J.C.S. Rawat, J.

RAJEEV GUPTA, C.J. (Oral)

Mr. M.C.Pant, Advocate for the petitioner.

Mr. N.B.Tiwari, Addl. Advocate General / Chief Standing Counsel for respondents 1 and 2.

None for respondent no. 3.

They are heard on admission.

2. Petitioner Lt. Col. (Retd.) Anil Wadhwa has filed this writ petition for the following reliefs:

> "I. Issue a writ, order or direction in the nature of Certiorari quashing the impugned order dated 10.08.2006 (Annexure – 3) so far as it relates to the transfer of the petitioner from District Haridwar to District Rudraprayag and its effect and operation also.

II. Issue a writ, order or direction the nature of mandamus direction the respondents not to interfere in the functioning of the petitioner as District Sainik Welfare and Rehabilitation. Officer, Haridwar and treat him to be re-appointed on the post of District Sainik Welfare and Rehabilitation Officer, Haridwar till the pendency of the present writ petition.

III. Issue any other order or direction, which this Hon'ble Court may deem fit and proper under the circumstances of the case.

IV. Award cost of the petition in favour of the petitioner."

3. The petitioner was reappointed on contractual basis for a period of two years w. e. f. 29.08.2002 vide order dated 29th August 2002 (Annexure 1). The petitioner was posted as Zila Sainik Kalyan Avam Punarvas Adhikari, Haridwar. After the expiry of the period of two years of the petitioner's above contractual appointment, the petitioner was reappointed for a further period of two years vide order dated 05.08.2004 and was again posted at Haridwar. This extended period of two years is to expire on 08.09.2006. The petitioner, now, is proposed to be reappointed on contractual basis for a further period of two years vide order dated 10.08.2006 (Annexure 3), but at Rudraprayag and not at his previous place of posting – Haridwar.

4. The petitioner's grievance is that as the petitioner has given consent for his reappointment only at Haridwar, he cannot be reappointed/ transferred to Rudraprayag without his consent.

5. Since the petitioner's reappointment is on contractual basis, the petitioner is at liberty not to accept his reappointment vide order Annexure 3 at Rudraprayag and leave the assignment after the expiry of the period of two years on 08.09.2006. As the petitioner cannot be compelled to join on his proposed reappointment at Rudraprayag, the petitioner should not have any grievance about his proposed reappointment at Rudraprayag.

6. In this view of the matter, we do not find any ground for grant of the reliefs sought by the petitioner in the writ petition.

7. The writ petition, therefore, fails and is hereby dismissed.

8. Consequently, CLMA No. 11194 of 2006 also stands dismissed.

(J.C.S. Rawat, J.) **(Rajeev Gupta, C. J.)**
31.08.2006 31.08.2006

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